

REMARKS

Claims 1-9 are pending in this application after this amendment. Claims 1 and 5-9 are independent. New claims 8-9 have been added. No new matter has been added by the addition of new claims 8-9. Based on the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the claimed invention. These amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1-2 and 4-5 under 35 U.S.C. §103(a) as being unpatentable over Nakajima et al. (USP 6,025,929) in view of Yamamoto (USP 6,577,751); rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Nakajima et al. and Yamamoto and further in view of Anderson (USP 5,933,137); and rejected claims 6-7 under 35 U.S.C. §103(a) as being unpatentable over Ishida et al. (USP 6,714,204) in view of Yamamoto. Applicant respectfully traverses these rejections.

Examiner Interview

Applicant wishes to thank the Examiner for the Interview conducted on September 4, 2008. During the Interview, the parties discussed the differences between the claims and the cited art. Applicant further discussed clarification of claim scope. The arguments and the amendments made herein are made further to the discussion during the Interview.

Claim Rejections – 35 U.S.C. §103 – Nakajima et al./Yamamoto

By this amendment, Applicant has amended the claims to recite, *inter alia*, an image output apparatus comprising a correcting section that compares the received image data with the image data to be output according to an image quality associated with a selected output mode and performs transferring image data to the image output section upon application of processing of detection and correction of a red eye condition in the image represented by the image data to

the image data, and transferring image data to the image output section without application of processing of detection and correction of the predetermined inconvenience to the image data, based on the comparison between the received image data and the image to be output according to output quality related with a selected output mode.

In contrast, in col. 9, lines 12-29, Nakajima discloses the processing that takes place is based on the mode that is selected by the user, not based on a comparison of the received image data and the image data to be output. The Examiner agreed that neither of the cited references taught performing processing based on a comparison of the image data as currently recited in claim 1.

By this amendment, Applicant has amended the claims to clarify a correcting section that **compares the received image data with the image data to be output according to an image quality associated with a selected output mode** and performs transferring image data to the image output section upon application of processing of detection and correction of a red eye condition in the image represented by the image data to the image data, and transferring image data to the image output section without application of processing of detection and correction of the predetermined inconvenience to the image data, **based on the comparison between the received image data and the image to be output** according to output quality related with a selected output mode.

Applicant respectfully submits that Nakajima fails to teach or suggest comparing the received image data with the image data to be output according to an image quality associated with a selected output mode. Further, Nakajima fails to teach or suggest transferring image data based on the comparison between the received image data and the image to be output.

Yamamoto fails to cure the deficiencies of the teachings of Nakajima. As neither of the cited references teach or suggest these claim elements, Applicant respectfully submits that claim 1, as amended, is not obvious over the references as cited. It is respectfully requested that the outstanding rejection be withdrawn.

Claims 2-4 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on claim 1. Claim 5 recites elements similar to those discussed above with regard to claim 1 and thus claim 5 is not obvious for the reasons set forth above with regard to claim 1.

Claim 6 recites, *inter alia*, an output quality obtaining section that obtains output quality of an image based on display characteristics associated with the client apparatus of the client apparatus and an image correcting section that compares the obtained output quality of an image with a pre-stored predetermined quality and detects and corrects a red eye condition in the image represented by the image data based on the comparison, the image correcting section correcting the red eye condition when the output quality obtained in the output quality obtaining section is higher than the pre-stored predetermined quality.

As discussed during the Interview, neither Nakajima nor Yamamoto teach or suggest obtaining output quality based on display characteristics and comparing the obtained quality with a pre-stored predetermined quality and correcting a red eye condition based on the comparison. As such, Applicant respectfully submits that claim 6 is not obvious over the references as cited.

Claim 7 recites elements similar to those discussed above with regard to claim 6 and thus claim 7 is not obvious for the reasons set forth above with regard to claim 6. Further, claim 9 recites, *inter alia*, comparing the determined output quality of an image with a pre-stored predetermined quality and detecting and corrects a red eye condition in the image represented by the image data based on the comparison when the determined output quality is higher than the pre-stored predetermined quality. For similar reasons noted above with regard to claim 6, the cited references fail to teach or suggest these claim elements. As such, it is respectfully requested that the outstanding rejections should be withdrawn.

Claim 8 recites comparing the size of the original image data with the size of the output image associated with the selected output mode and detecting and correcting a red eye condition in the image represented by the original image data when the size of the output image data is greater than the size of the original image data. For similar reasons set forth above with regard to

claim 1, the cited references fail to teach or suggest these claim elements. As such, it is respectfully requested that the outstanding rejections should be withdrawn.

Claim Rejections – 35 U.S.C. §103 – Ishida et al./Yamamoto

In support of the Examiner's rejection of claims 6 and 7, the Examiner maintains that the combination of the teachings of Ishida et al. and Yamamoto render the claims obvious. Applicant respectfully disagrees with the Examiner's assertions.

Claim 6 has been amended to recite, *inter alia*, an output quality obtaining section that obtains output quality of an image based on display characteristics associated with the client apparatus of the client apparatus and an image correcting section that compares the obtained output quality of an image with a pre-stored predetermined quality and detects and corrects a red eye condition in the image represented by the image data based on the comparison, the image correcting section correcting the red eye condition when the output quality obtained in the output quality obtaining section his higher than the pre-stored predetermined quality.

Further, claim 7 has been amended to recite, *inter alia*, an image correcting section that compares an output quality of an image associated with display characteristics of a receiving client apparatus with a pre-stored predetermined quality and detects and corrects a predetermined inconvenience as to eyes in the image represented by the image data based on the comparison, the image correcting section correcting the red eye condition when the output quality obtained in the output quality obtaining section his higher than the pre-stored predetermined quality;

As discussed during the Interview, neither Ishida nor Yamamoto teach or suggest these elements, as amended. As such, it is respectfully requested that the outstanding rejection be withdrawn.

Conclusion


In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

By 
Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant